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2004 JUN 18 P 3:54
**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

WILLIE GREEN,

Petitioner,

v.

CAROL MECI,

Respondent.

U.S. DISTRICT COURT
DISTRICT OF MASS.

Civil Action No. 04-10360-JLT

**RESPONDENT'S MOTION TO DISMISS
PETITION FOR A WRIT OF HABEAS CORPUS**

In accordance with Rule 11 of the Rules Governing Section 2254 Cases and Rule 12(b)(6) of the Federal Rules of Civil Procedure, the respondent, by and through her counsel, the Attorney General of the Commonwealth of Massachusetts, hereby respectfully moves to dismiss the petition for a writ of habeas corpus filed by the petitioner, Willie Green. As grounds therefor, the respondent states that Green failed to properly exhaust his state-court remedies before seeking habeas relief. Specifically, Green never presented Ground Four to the Supreme Judicial Court of Massachusetts. The present petition therefore should be dismissed. Rose v. Lundy, 455 U.S. 509, 522 (1982); 28 U.S.C. § 2254(b)(1). The respondent relies on the accompanying memorandum of law in support of her motion to dismiss.¹

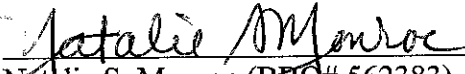
¹ In the event that this motion is not allowed, the respondent respectfully requests thirty (30) days from receipt of Petitioner's Memorandum of Law in support of his petition on the merits to file a memorandum in opposition to the petition.

WHEREFORE, the present motion should be allowed and an order should enter dismissing Green's petition.

Respectfully submitted,

THOMAS F. REILLY
ATTORNEY GENERAL

Dated: June 18, 2004


Natalie S. Monroe (BBO# 562383)
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(617) 727-2200 ext. 2833

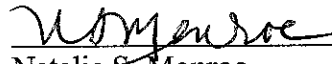
Certificate of Compliance with Local Rule 7.1(A)(2)

I, Natalie S. Monroe, hereby certify that I conferred with the petitioner's counsel, Philip G. Cormier, on June 17, 2004. The parties were unable to resolve or narrow the issues in this motion.


Natalie S. Monroe

Certificate of Service

I hereby certify that on June 18, 2004, I caused a copy of the above document to be served by first-class mail, postage prepaid, upon the petitioner's counsel, Philip G. Cormier, Esq., Good & Cormier, 83 Atlantic Avenue, Boston, Massachusetts 02110.


Natalie S. Monroe